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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,426

12/22/2004

Wilfried Schilles

SPM-385-A

7573

7590

06/23/2006

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EXAMINER

KING, ANITA M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,426	<b>Applicant(s)</b> SCHILLES ET AL.	
	<b>Examiner</b> Anita M. King	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/14/05 &amp; 7/22/05</u> . | 6) <input type="checkbox"/> Other: _____  |

This is the first office action for application number 10/519,426, Cable Holding Device, filed on December 22, 2004.

### ***Response to Amendment***

The status identifier for claim 10, which has been canceled per applicant's request, should be --(Canceled)--.

### ***Drawings***

The drawings are objected to because reference number "12" in Fig. 2b appears to be incorrect and should be --21--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required

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corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

The disclosure is objected to because of the following informalities: on page 1 delete "Substitute Specification" and on page 7, paragraph 36, line 1, it appears that the recitation of "8" is incorrect and should be --8'--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1 and 8, the phrase "or likewise" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claims 3 and 4 recite the limitation "the introduction direction" in line 3 of both claims. There is insufficient antecedent basis for this limitation in the claims.

Claim 11 recites the limitation "the guide direction" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 8, 9, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,264,047 to Nelson. Nelson discloses a cable holding device (10) with a peripheral element (12) for fixing a cable (50) and with a locking foot (28) for firmly locking the cable holding device in an opening (44) of a motor vehicle

structure (46); wherein the peripheral element is closable for completely peripherally encompassing the cable; wherein the cable holding device comprises a wedge (42) with an associated wedge guide (outer surface of element 42) for expanding and fixing the locking foot in the opening; wherein the peripheral element comprises a snap closure (62 & 64) to be opened; wherein the peripheral element has an essentially annular cross-section perpendicular to an introduction direction of the cable; wherein the locking foot has several snap lugs (30-36); wherein the locking foot comprises a sealing lip (not labeled) which may be tensioned on the locking of the locking foot in the opening; wherein the device is one piece; and wherein the device is made of plastic, preferably of polypropylene.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson in view of U.S. Patent 6,669,150 to Benoit et al., hereinafter, Benoit. Nelson discloses the claimed invention except for the limitation of guide casing arranged coaxially to the introduction direction. Benoit teaches a holding device having an element for fixing a cable and with a locking foot (30) and a guide casing (14) arranged coaxially with an introduction direction of the element. It would have been obvious to on

having ordinary skill in the art at the time the invention was made to have modified the device in Nelson to have included the guide casing as taught by Benoit for the purpose of providing a means to limit movement of the cable in relation to the device.

Nelson combined with Benoit disclose the claimed invention except for the limitation of the guide casing having a length two to ten times the smallest inner diameter of the element. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the length of the guide casing in Benoit to have been two to ten times the smallest inner diameter of the element since such a modification would have merely involved a change in size which would not have produced any unexpected results and since the applicant does not provide any criticality for making the guide casing in these dimensions.

Claims 11 and 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson. Nelson discloses the claimed invention except for the limitations of the wedge guide having a T-shaped cross section and a motor vehicle door. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the shape of the wedge in Nelson to have been T-shaped in cross-section for the purpose of providing an aesthetically different appearance to the wedge and since such a modification would have merely involved a change in shape and would not have produced any unexpected results.

Nelson further discloses that the device is for attaching to a component of a motor vehicle, wherein the component has an opening for receiving the locking foot of the device, thus, it would have been obvious to one having ordinary skill in the art at the

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time the invention was made to have attached the device in Nelson to a motor vehicle door for the purpose of attaching cables to the door.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson combined with Benoit and in further view of U.S. Patent 6,135,398 to Quesnel. Nelson combined with Benoit disclose the claimed invention except for the limitation of the guide casing having widened-out ends. Quesnel teaches a holding device having a peripheral element (12, 14) and a guide casing (40) arranged coaxially with an introduction direction of the device, and wherein the guide casing in the introduction direction of the cable has widened-out ends. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the guide casing in Benoit to have included widened-out ends as taught by Quesnel for the purpose of providing an aesthetically different, mechanically equivalent means for limiting the movement of the cable in relation to the device.

#### ***Allowable Subject Matter***

Claim 7 (as it indirectly depends from claim 1) would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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U.S. Patent 3,313,083 to Flora

U.S. Patent 3,547,386 to Burgess

U.S. Patent 4,386,752 to Pavlak et al.

U.S. Patent 4,564,163 to Barnett

U.S. Patent 4,700,913 to Hirano et al.

U.S. Patent 4,865,280 to Wollar

U.S. Patent 5,257,768 to Juenemann et al.

U.S. Patent 5,653,411 to Picco et al.

U.S. Patent 6,595,473 to Aoki et al.

U.S. Patent 6,641,093 to Coudrais

U.S. Patent Application Publication 2004/0182973 to Kawai

U.S. Patent 6,809,257 to Shibuya


Flora discloses a deformable plastic fastener used with a cable holding strap. Burgess, Pavlak et al., Barnett, Hirano et al., Wollar, Juenemann et al., Picco et al., Kawai, and Shibuya, all disclose various types of hinged clamps for holding elongated cylindrical objects. Aoki et al. disclose a fixing structure for a corrugated tube. Coudrais discloses a clip having a fastening device inserted within an opening in the bottom portion of the clip.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (571) 272-6817. The examiner can normally be reached on Monday-Thursday.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Anita M. King  
Primary Examiner  
Art Unit 3632

June 22, 2006